

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR227
)	
v.)	
)	
DANIEL RODGERS,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the court on the defendant's unopposed oral request for either a continuance of trial, or to set this matter for a change of plea in November, in order that defendant will remain incarcerated in Colorado and available for a parole hearing to be held in September. After a telephone conference regarding this request, and after considering the matter, the court will grant the motion and schedule this for a change of plea in November.

IT IS ORDERED that a change of plea for the defendant, Daniel Rodgers, is scheduled before the undersigned in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **November 16, 2005, at 1:30 p.m.** Since this is a criminal case, the defendant shall be present, unless excused by the court. If an interpreter is required, one must be requested by the plaintiff in writing five (5) days in advance of the scheduled hearing.

The ends of justice will be served by granting the defendant's oral motion, and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising from the date of trial to the date of the scheduled change of plea hearing, namely, **October 3, 2005, through November 16, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, for the reason stated above, taking into consideration due diligence of counsel and the novelty and complexity of this case, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 18th day of August, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
UNITED STATES DISTRICT JUDGE